

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:12-CV-359-MR

MICHAEL CHAD DEATON, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 CARLTON JOYNER, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on an initial review of Petitioner's Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2254. [Doc. No. 1]. The Court first notes that Petitioner has not submitted the necessary filing fee of \$5.00 or submitted a properly executed motion to proceed *in forma pauperis*. The Court also notes that Petitioner's counsel has not filed a supporting memorandum with this Section 2254 petition.

**IT IS, THEREFORE, ORDERED that:**

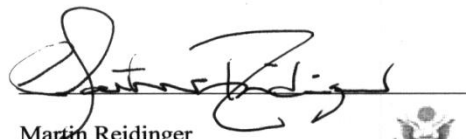
1. Petitioner shall submit the \$5.00 filing fee or a properly executed motion to proceed *in forma pauperis* within thirty (30) days of entry of this Order. Petitioner is warned that failure to comply with this Order will result in the dismissal of his Section 2254 petition.

2. In the event that Petitioner elects to proceed with his Section 2254 challenge, he is advised to submit a memorandum detailing the arguments he contends entitle him to relief in this habeas proceeding. This memorandum, and any supporting state court documents, should be submitted along with the \$5.00 filing fee or the motion to proceed *in forma pauperis* within thirty (30) days from entry of this Order.

3. The Clerk of Court is directed to send a copy of this Order to Petitioner's counsel of record along with form documents pertaining to a motion to proceed *in forma pauperis*.

**IT IS SO ORDERED.**

Signed: January 15, 2013

  
Martin Reidinger  
United States District Judge

